

<p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">27-24-01</p> <p>Date Filed</p> <p style="text-align: center;">January 12, 2005</p>	<p>Total Pages</p> <p style="text-align: center;">5</p> <p>Effective Date</p> <p style="text-align: center;">May 26, 2005</p>
<p>Authority/References</p> <p>KRS 196.030, 196.035, 439.354, 533.020 P&P ACA Standard – 3-3144, 3-3145</p>	<p>Subject</p> <p style="text-align: center;">RELEASING OFFENDER FROM ACTIVE SUPERVISION</p>	

I. DEFINITIONS

As used in this document, the following definitions apply:

"Early release" means the court sanctioned discontinuance of probation or pre-trial diversion prior to the maximum expiration of sentence.

"Inactive supervision" means a level of supervision that does not require personal or collateral contact. This level of supervision constitutes the time period between release from active supervision and one (1) of the following: maximum expiration of sentence, final discharge, Court ordered termination, death, or reinstatement of supervision.

"Maximum expiration" means the latest date an offender shall be supervised.

"Revocation" means the result of a hearing that releases an offender from supervision and requires incarceration.

"Supervision reporting document" means a document that is submitted to the releasing authority when a significant change has occurred in the case of a supervised offender.

"Transfer" means the process of allowing an offender to move from one (1) supervision district to another.

II. POLICY and PROCEDURE

A. Methods of Release - There are five (5) primary ways that an offender shall be released from supervision: Early release from supervision, Court order, maximum expiration, revocation, or death. In order to close a supervision case in the appropriate manner, the Probation and Parole officer (officer) shall comply with the following:

1. Early Release or Inactive Supervision - Prior to recommending early release from supervision, the officer shall:

- a. Complete a criminal record check.

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- b. Ensure all court or Parole Board ordered special conditions have been met.
- c. Supervise a felony offender for a minimum of twelve (12) months and supervise a misdemeanor for a minimum of six (6) months, unless extenuating circumstances exist. The time for parolees release to inactive is listed on Attachment I.
- d. Complete a supervision report document summarizing the case and recommending release from supervision summarizing the supervision period. The following items shall be included in each report. (3-3144)
 - (1) The length of time on active supervision;
 - (2) A narrative of the supervision period including a summary of employment and home conditions;
 - (3) Whether the offender has been arrested while on supervision and if so the charge and disposition of it;
 - (4) A current criminal record check completed to ensure the offender has no recent arrest and is not under indictment (a local record check is the record check through NCIC);
 - (5) Specifically address the conditions imposed by the releasing authority, when and how the offender satisfied those conditions. (3-3144)
- e. Forward the supervision report document to the releasing authority as follows:
 - (1) In a probation case, the supervision reporting document shall be forwarded to the judge or as otherwise designated in that particular district. A copy shall be forwarded through the District Supervisor or designee and a copy retained in the case folder.
 - (2) In a parole case, the supervision reporting document shall be forwarded to Central Office through the District Supervisor or designee and a copy retained in the folder.

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- f. A case approved for inactive status shall be removed from the active caseload. Offenders on inactive status shall not require any personal or collateral contacts, unless the offender has contact with law enforcement agencies. If this contact occurs, the offender shall be responsible for notifying the Probation and Parole office. A local criminal record check shall be conducted quarterly by a person designated by the District Supervisor or designee until the offender reaches the maximum expiration of sentence, final discharge, or court-ordered release. If the record check reveals that the offender has been arrested for a new criminal charge, the District Supervisor or designee shall review the new charges and make the determination whether the offender is to be returned to active supervision.
 - g. If the releasing authority does not approve release, the offender shall be continued on the active caseload.
 2. Active Case Reaching Maximum Expiration or Court Ordered Termination - When the offender has reached the maximum expiration date or has been terminated by the Court, the officer shall:
 - a. Ensure that all conditions of release have been met.
 - b. Advise the releasing authority of the status of the case utilizing the supervision reporting document outlining the supervision period. This shall be prepared within ten (10) days after the maximum expiration date has been reached or Court order entered. (3-3144)
 - c. In a probation case, the closing report shall be forwarded to the judge or as otherwise directed by the particular district. The report in the probation case shall state that the officer is closing interest in the case due to the maximum expiration date or court ordered termination. A copy of this document shall be forwarded to the District Supervisor or designee and a copy maintained in the folder.
 - d. In a parole case, the closing supervision reporting document shall be forwarded to Central Office through the District Supervisor or designee and a copy retained in the offender's folder.
 3. Revocation
 - a. In a probation case, the officer shall complete a closing supervision reporting document and shall remove the offender

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from the active caseload. The document shall be forwarded to the judge or as otherwise directed by the district.

- b. In a parole case, the supervision reporting document prepared to the Parole Board prior to the preliminary hearing shall include a summary of the offender's performance. The supervision reporting document shall suffice as a closing document. The parolee shall be continued on the Probation and Parole officer's active caseload list until the day the offender is physically transported to the institution.
 4. Death - In the event of an offender's death the officer shall verify the death, and prepare a closing document notifying the releasing authority, including date of death. This document shall be completed within ten (10) calendar days of notification of death.
 - a. In a probation case, the closing document shall be forwarded to the releasing authority, and one (1) copy retained in the offender's folder.
 - b. In a parole case, the closing document shall be sent to Central Office through the District Supervisor or designee and a copy retained in the offender's folder.
- B. Transfer to Other District - When a probation or a pre-trial diversion offender is transferred to another district and maximum expiration or another method of release is appropriate, the supervising officer shall proceed as follows:
 1. Maximum Expiration - The supervising officer shall prepare a closing document within ten (10) working days and send a copy to the office in the district where the offender has been probated. The officer in the probating district shall forward the document to the releasing authority as required in that district. A copy shall be sent to each District Supervisor or designee of the officers involved.
 2. Request for Early Release or Inactive Supervision: The supervising officer shall prepare a supervision reporting document outlining the entire period of supervision and recommending early release or inactive supervision status for the remainder of the probation period. The document shall be forwarded to the officer in the district where the case originated, with copies being forwarded to the District Supervisor or designee of the offices involved. Upon receipt of the request, the officer in the original district shall advise the probating judge of the request or follow procedures as set by the judge regarding the request. The officer shall

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have ten (10) calendar days to respond to the request. A response shall be forwarded to both District Supervisors or designees involved and the officer requesting the release with one (1) copy retained in the case folder. This response shall be made in the form of a special reporting document. If the release is granted, the supervising officer shall remove the offender from the caseload. If the release is not approved, the offender shall be continued on active supervision. (3-3144)

3. Death: In the event of death of an offender who transferred from another district, the supervising officer shall verify the death and prepare a closing document within ten (10) working days notifying the original officer. Copies shall be forwarded to the District Supervisor or designee of each Probation & Parole office.

- C. Content of the Closing Report - The information contained in closing a case shall differ based upon the type of release. The report shall address the entire supervision period, noting the progress under supervision, problems, and other items. The report shall serve as a summation of the case while under supervision. (3-3144)
- D. Annual reviews of an offender's progress shall be completed and documented in the case management system chronological narrative in an effort to determine if early termination of supervision is appropriate. (3-3145)

MINIMUM PAROLE SUPERVISION SCHEDULE

The following is a minimum schedule on which a parolee is required to be under active parole supervision, and it can be extended until the officer feels the parolee should be released or until the maximum expiration date of the sentence has been reached. A parolee cannot be held beyond his maximum expiration date unless a parole violation warrant has been issued.

LENGTH OF SENTENCE

1 through 2 years
3 years through 5 years
6 years through 14 years
15 years through Life

MINIMUM TIME UNDER SUPERVISION

6 months of supervision
1 year of supervision
1 year and 6 months of supervision
2 years of supervision